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PATENT

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Katie Hales
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/815,529

Attorney Docket: DP-311272

Filing Date: 04/01/2004

Group Art Unit: 2814

Applicant: Scott D. Brandenburg et al.

Examiner: Cao, Phat X.

Title: MICROELECTRONIC ASSEMBLY WITH UNDERCHIP OPTICAL WINDOW, AND METHOD FOR FORMING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed January 4, 2005, imposing a Restriction Requirement between:

Group I, claims 1-9, directed to a microelectronic assembly; and

Group II, claims 10-19, directed to a method of forming a microelectronic assembly.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 1-9. Nevertheless, Applicants respectfully traverse the requirement.

Claim 1 is representative of the Group I claims and is directed to a microelectronic assembly that includes an optical window in the encapsulant within the gap between the integrated circuit die and the substrate. The method of Group II, of which claim 10 is representative, calls for forming a polymeric material within the gap between the integrated

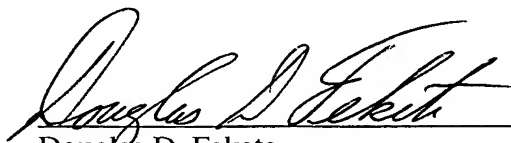
circuit die and the substrate to define an optical window. Even a causal read of these claims reveals that they are merely different aspects of but a single invention. Moreover, prior art showing microelectronic assembly, or the method of forming the assembly, would be material to, and should properly be considered in examining all Groups, regardless of where such art is found within the classification scheme of the Patent Office.

Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. Thus, claims to both the assembly, and its method of forming same, should properly be examined in the present application. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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